

REMARKS

Entry of the amendments is respectfully requested. Claims 1-10 are pending in the application. Claims 1, 3, 5, and 6 have been amended. New claims 8-10 have been added. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks that follow.

1. The Drawings

a. Objection

The Examiner indicated that the drawings are objected to as failing to comply with 37 CFR 1.84(p)(4). Specifically, the Examiner indicated that reference character 20 is used twice, and reference numeral 22 is shown in the drawing but not referenced in the specification. The specification has been amended to correct a minor typographical error found upon a review of the application that clarifies the drawing reference numerals. Specifically, on page 5 in the specification, the counter is renumbered to 22. Withdrawal of the objection to the drawings is respectfully requested.

b. Amendment

Please amend Fig. 1 to include a reference to a machine 5 described and claimed in the specification. No new matter has been added. Support for this change to Fig. 1 can be found throughout the application in reference to the type plate in the machine. The specification has been amended accordingly in the appropriate locations in anticipation of the Examiner's approval of this request. Formal drawings incorporating

these changes are also submitted herewith under cover of a separate letter to the Official Draftsperson. Approval of the changes to Fig. 1 is respectfully requested.

2. Rejections Based on the Prior Art

a. Recapitulation of the Invention¹

The invention relates to a machine having a novel type plate. Type plates, often called ID plates, name plates, or data plates, are often used on industrial and other machines to identify the machine by manufacturer and model number and/or to provide additional information about the machine. This data is usually stamped or printed on the metal plate. In accordance with the invention, the type plate is provided with a memory chip operable to store and allow access to written and/or graphical information generated by the machine, which is transmitted to the memory chip via a transmitter on the machine. The transmitter provides operating data related to the condition of the machine or its operation (e.g., operating time, the loading or rotational speeds and/or compliance with maintenance intervals, or assignment of the machine to an area or site).

The type plate is positioned such that data generated by the machine can be transmitted from the transmitter to the memory chip during operation of the machine, and from which the information can be readily accessed by an external appliance. The type plate can also include a rating plate 10 having areas 11 for the application of inscriptions 11 or bar codes 13.

¹ This Section 2a is intended to provide the Examiner with some background information on the state of the art and applicant's contribution to it. It is *not* intended to distinguish specific claims from the prior art. That task is performed in Sections 2b and 2c below.

Preferably, the memory chip does not have its own power supply. Rather, the chip receives electrical power from the transmitters or appliances for reading data into and/or out of the memory chip. The transmitter provides data generated by the machine via a signal to the type plate. The type plate includes a receiver 18 connected to a data input 14 of the chip 12. The signal received at the receiver 12 supplies power to the chip 12 as well as the transmission of data from the transmitter of the machine. Alternatively, the machine can include a wire connection from the transmitter to the input of the chip.

The type plate also preferably includes a transmitter/receiver 28 to enable communication to and from an appliance separate from the type plate in a non-contact manner. Such appliances can include a laptop 20 or operating hour counter 20 having a transmitter/receiver 24 or 26. The transmitter/receiver 28 is connected by a second data input/output 30 to the memory chip 12. Analogous to providing a signal to the receiver 12, the signal from the appliance separate from the type plate supplies power to access and store data via the input/output 30 to the chip 12. Lines 32 and 34 connect the transmitter/receiver 28 with the input 14. The chip 12 can be configured in such a way to limit access based on a pre-defined condition (e.g., security code) or interrogation authorization system.

b. Rejection of Claims 1-5 and 7 Under 35 U.S.C. § 103(a)

Claims 1-5 and 7 stand rejected under § 103(a) as being unpatentable over Saitoh (U.S. Patent 5,929,414) in view of Tuttle et al. (U.S. Patent 5,998,510). The applicant respectfully traverses this rejection as it may be applied to amended claims 1-5 and 7 because, even if the cited references were combined, the invention would not result. Therefore, reconsideration is in order and is respectfully requested.

Independent claim 1 recites a machine having a type plate as a carrier for written and/or graphical information, which at the same time is combined with an electronic storage device. Claim 1 as amended additionally requires

wherein the storage device has a separate input for data transmission signals generated in the machine representative of operational data of the machine, wherein a second input and an output provide wire-free transmission of data to a device provided separately from the type plate and, if appropriate, a second input for the non-contact or wire-free output and, if appropriate, input of data.

The Examiner cites to Saitoh and Tuttle to show a smart card having electronic storage. However, none of the cited references teach or suggest the combination of a machine having a type plate with an electronic storage device, wherein the storage device includes a separate input for data transmission signals generated in the machine representative of operation data of the machine.

The Saitoh patent discloses an integrated circuit (IC) card 50. The card 50 is a generic portable smart card 50 capable of inserting in the non-contact reader-writer 40. Col. 5, lines 59-65; Col. 6, lines 19-25; Col. 8, line 29-36, and Col. 9, line 25-30. Cards

of this type are intended to be carried by an individual, not integrated onto a machine's type plate. Col. 3, lines 47-55. The card 50 includes a modem 57, a memory 52, a CPU 51, program memory 52, and work memory 54 that allow the reader-writers 17 and 40 to communicate data to and from the memory 52. Col. 3, line 47 – Col. 4, line 9. A rectifier 99 with a power coil takes the supply voltage out from the non-contact card reader-writer 40 to provide electrical power to the card 50. Col. 3, line 55-57. Col. 5, lines 59-65; Col. 6, lines 19-25; Col. 8, line 29-36; and Col. 9, line 25-30. Hence, contrary to claim 1, Saitoh does not disclose a *machine* operable to generate and transmit signals representative of operational data of the machine to the storage device of a *type plate* positioned on the machine.

The Tuttle patent fails to cure this deficiency. The Tuttle patent discloses a portable “smart” card configured to be carried by an individual rather than to be incorporated into a type plate of a machine. The smart card 10 has an integrated circuit 18 supported in a housing 11. Col. 4, lines 34-41 and Fig. 1. The integrated circuit 18 includes a microprocessor 19, a battery 15, and a volatile memory 14 to store data. Col. 4, lines 38-56. Tuttle discloses use of the card 10 or 100 as a telephone card, access card, credit or debit card, prepaid card, etc. Col. 6, lines 1-21. Tuttle does *not* disclose or even remotely suggest the use of his card on a *machine* operable to generate and transmit signals representative of operation data of the machine to the storage device of a type plate positioned on the machine. Hence, claim 1 is non-obvious over the combination of the cited references by the Examiner. In light of the amendment and the reasons stated

above, claim 1 defines over the cited references and passage to allowance is respectfully requested.

Dependent claims 2-5 and 7 are believed to be in condition for allowance for incorporating by reference the limitations of claim 1 and for defining additional features of the invention, which when considered in combination with those of claim 1 are not disclosed by the prior art relied upon in the rejection.

For example, claim 2 further requires that “the storage device does not have its own power supply.” The Examiner asserts that Tuttle discloses a card having written and/or graphical information on the card. Page 3, Office Action. However, the Examiner fails to recognize that other aspects of Tuttle teach away from providing a type plate whose card and storage device lack a power supply. Specifically, Tuttle teaches that, because the card has “its own power source, and is not dependent on a reader for power, a volatile memory can be employed, and private data can be protected against access by an unauthorized individual.” Col. 6, lines 46-50; See also Col. 10, lines 1-16. Therefore, Tuttle teaches away from combining its card with Saitoh’s. At best, if Tuttle were to be combined with Saitoh, the logical approach would be to also replace Saitoh’s rectifier 99 and power coil with an internal power source of the type employed by Tuttle – in direct contravention to the claimed invention. To do otherwise would be to pick and choose amongst the isolated teachings of the individual references, using applicant’s own disclosure as a template or mosaic to latch on to those teachings that support the

Examiner's position while ignoring those that do not. The Federal Circuit has held that a rejection based on obviousness cannot be predicated upon such an approach:

"It is impermissible within the framework of section 103 to pick and chose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

In re Hedges, 228 USPQ 685, 687 (Fed. Cir. 1986), citing *In re Wesslau*, 3147 USPQ 391, 393 (CCPA 1965); see also MPEP §2143.01

In another example, claim 7 further requires that

the type plate within the machine includes a second transmitter, and the type plate is assigned in a physical position within the machine transmitter for data and operating power in a physical position permitting the transmission of data and operating said power from the second transmitter to the storage device.

None of the cited references disclose a machine having a second transmitter to transmit data and operating power to a storage device of a type plate in a physical position within the machine. In sum, the cited references fail to teach or suggest the subject matter of the claimed invention. In light of the amendments to the claims and the foregoing, withdrawal of the rejection of claims 1-5 and 7 is respectfully requested.

c. Rejection Under 35 U.S.C. § 103

i. The Rejection of Claim 6

The rejection of claim 6 as unpatentable over Siatoh in view of Tuttle and further in view of Kobayashi et al. (U.S. Pat. No. 6,375,082) is respectfully traversed, because, *inter alia*, there is no teaching or suggestion to combine the Tuttle patent with the Siatoh and Kobayashi et al. patents. Furthermore, even if the references were combined, the invention would not result. The Examiner correctly recognizes that the Saitoh patent and the Tuttle patent fail to disclose the claimed connection between the separate input and the transceiver of the card. The Examiner cites the Kobayashi et al. patent to cure this deficiency. However, the following describes how the Kobayashi et al. patent fails to disclose the patentable subject matter of claim 6.

The Tuttle patent teaches away from the claimed invention for reasons similar to those described above for claim 1. Hence, there is no teaching or suggestion to combine the cited references.

Furthermore, the Kobayashi et al. patent discloses an electronic device having contacting and noncontacting interfaces joined with an inhibiting section. See Abstract. The contacting interface includes a VCC terminal 401 to receive power. See Figs. 3-4. The non-contacting interface includes a parallel tuning circuit 301. See Figs. 3-4. The Kobayashi et al. discloses a switch 309 connecting the parallel tuning circuit 301 to the VCC terminal 401. See Figs. 3-4. However, claim 6, as amended, recites “a connection between the separate input and a transmitter/receiver of the output and the second input.”

Claim 1, as amended and from which claim 6 is dependent upon, recites “the storage device has a separate input for data transmission signals.” Clearly, the VCC terminal 401 is not a separate input for data transmission signals to a storage device. Therefore, none of the cited references teach or suggest the limitation in claim 6. Hence, even if the cited references were combined, the invention would not result. Therefore, claim 6 is non-obvious over the combination of the cited references by the Examiner.

3. New Claims

Claims 8, 9, and 10 have been added. Claim 8 is similar in scope to claim 1 but even more clearly recites a *machine* bearing a *type plate* configured as discussed above. Claim 9 depends from claim 8 and is similar in scope to claim 2. Claim 10 is a method claim reciting the operation of a *machine* having a *type plate* configured as discussed above. As discussed above in connection with claim 1, neither Saitoh nor Tuttle disclose or suggest a *machine* having a *type plate* configured or operable as claimed. Both instead merely disclose cards configured to be carried by an individual. Hence, these claims are allowable for at least the reasons cited above in connection with claim 1 and claims dependent therefrom.


4. Conclusion

It is submitted that original claims 1-10 are in compliance with 35 U.S.C. §§ 102 and 103 and each defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No fee is believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,


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